



AF
90

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

09/997,034

Filing Date

11/28/2001

First Named Inventor

JENS GRIESWALD

Art Unit

2616

Examiner Name

Shick C. Hom

Attorney Docket Number

7123-US

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a

☐

Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☐

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify
below):

1. Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Tektronix, Inc.

Signature

Thomas F. Lenihan

Printed name

Thomas F. Lenihan, Reg. No. 32,452 for Matthew D. Rabdau

Date

NOVEMBER 14, 2006

Reg. No.

43,026

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Marilyn Pashby

Typed or printed name

Marilyn Pashby

Date

November 14, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **JENS GRIESWALD**

Art Unit: **2616**

Serial No.: **09/997,034**

Examiner: **Shick C. Hom**

Filed: **November 28, 2001**

For: **CIRCUIT ARRANGEMENT FOR TESTING
A COMMUNICATION SYSTEM**

November 14, 2006

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF - SUPPLEMENT

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief dated November 8, 2006, attached is a replacement section for the Summary of the Claimed Subject Matter.

Replacement Section

Summary of Claimed Subject Matter

Claim 1:

Appellant's invention is "a circuit for testing a communication system (**12, 16**) that is subdivided into functional layers [1-7]", such as the OSI (Open Systems Interconnection) communication model. The circuit arrangement has "a port (**32**) that allows communication by a test apparatus (**28**) directly with any layer [2-7] that is higher than a first layer (**14**) [the physical layer] of the functional layers without the communication previously having to pass through the first layer." (Fig. 6; Abstract; page 11, lines 3-8)

Claim 6:

The circuit referenced above with respect to claim 1, which also is recited as part of claim 6, may be provided in a switch **16**, referred to as a transit system, that directly outputs response data for analysis by the test apparatus at a higher layer above the physical layer via the port. The response data may be monitoring data or may be data generated in response to stimuli provided by the test apparatus. (Page 8, lines 14-23)

REMARKS

The Examiner indicated that the claimed invention is not mapped to identify independent claims 1 and 6, which should refer to the specification by page and line number and to the drawing. By this response Applicant is submitting a replacement Summary of the Claimed Subject Matter which is deemed to contain a concise explanation of the subject matter defined in each of the independent claims being argued in the appeal, referring to the specification by page and line number and to the drawing by reference characters.

Since the attached item may be submitted separately per MPEP1205.03, this item is submitted in lieu of a replacement appeal brief. Thus as supplemented by the attachment the Appeal Brief is now deemed to comply with all required provisions of 37 C.F.R. 41.37.

Respectfully submitted,
JENS GRIESWALD

By Thomas F. Lenihan
Thomas F. Lenihan, Reg. No. 32,152 for
Matthew D. Rabdau, Reg. No. 43,026
Attorney for Applicant

TEKTRONIX, INC.
Thomas F. Lenihan
P.O. Box 500 (50-LAW)
Beaverton, OR 97077
(503) 627-7266

Attorney's Docket No.: 7123-US

November 14, 2006